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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,530	08/01/2001	Frederic Louart	BIF103835	4810

466 7590 01/29/2003

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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,530

Applicant(s)

LOUART ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-35 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 23-35 and 44-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 23-35, 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by over Weil (5617900).

Weil discloses a thermal protection sheath comprising a substrate and a reflective foil fixed to the substrate (figure 2 numbers 20 and 30), the substrate being elastically deformation from a relaxed configuration, wherein the foil contacts an outside surface of the substrate only intermittently so as to form pleats in the foil when the substrate is in the relaxed configuration (col. 2 lines 54-65). Weil discloses that he substrate has an outside surface provided with openings and the foil is pleated in line with the opening (col. 2 lines 54-65). Weil discloses that the foil is pleated inside the openings (figure 3 numbers 22, 24). Weil discloses that the pleats in the foil form reserves of air (figure 3 numbers 22, 24). Weil discloses that the substrate is made of textile and includes opening s between textile threads and the foil is pleated in line with the openings (col. 2 lines 54-65). Weil discloses that the substrate comprises knitted threads (col. 2 lines 57). Weil discloses that the foil is pleated between the knitted threads (col. 2 lines 54-65). Weil discloses that the tube is slit longitudinally (figure 2

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number 34). Weil discloses that the foil is pleated inside annular recesses of the corrugated tube (figure 3 numbers 22 and 24). Weil discloses that the substrate is elastically stretchable in the longitudinal and/or radial direction (col. 2 lines 61-65).

Weil discloses that the foil has a shape that does not conform to an external shape of the substrate (col. 2 lines 54-65). Weil discloses a substrate that has an outside surface with a first shape, the substrate being elastically deformable from a relaxed configuration and a foil that is pleated and has a second shape different from the first shape of the substrate only where the first shape and the second shape meet each other (col. 2 lines 54-65). Weil discloses that the substrate is woven (col. 2 lines 54-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weil in view of Rockney et al.

Weil discloses the thermal protection sheath described above. Weil fails to disclose that the foil is woven from aluminized glass fibers. Weil fails to disclose that the substrate is a corrugated plastic material tube. Rockney et al. teaches that the foil is woven from aluminized glass fibers for the purpose of providing reflective thermal

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protection (col. 1 lines 36-39). Rockney et al. teaches that the substrate is a corrugated plastic material tube for the purpose of exhibiting lateral flexibility (col. 3 line 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide Weil with foil that is woven from aluminized glass fibers in order to provide reflective thermal protection (col. 1 lines 36-39) as taught by Rockney et al.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide Weil with a substrate that is a corrugated plastic material tube in order exhibit lateral flexibility (col. 3 line 23) as taught by Rockney et al.

Response to Arguments

Applicant's arguments with respect to claims 23-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
January 22, 2003



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

1/22/03